



UNITED STATES DEPARTMENT OF COMMERCE
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07/657,296

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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07/657,296 02/19/91 SCHATZ

R 1207.0008

EXAMINER

PREBILIC, P

BEN D. TOBOR
11757 KATY FREEWAY, SUITE 1400
HOUSTON, TX 77079

ART UNIT	PAPER NUMBER
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3308

30

DATE MAILED: 08/24/92

NOTICE OF ALLOWABILITY

PART I.

1. ☒ This communication is responsive to the communications filed June 19 and July 6, 1992.
2. ☒ All the claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice Of Allowance And Issue Fee Due or other appropriate communication will be sent in due course.
3. ☒ The allowed claims are 1-6.
4. ☒ The drawings filed on July 19, 1992 are acceptable.
5. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received. ☐ not been received. ☐ been filed in parent application Serial No. _____, filed on _____.
6. ☐ Note the attached Examiner's Amendment.
7. ☐ Note the attached Examiner Interview Summary Record, PTOL-413.
8. ☒ Note the attached Examiner's Statement of Reasons for Allowance.
9. ☒ Note the attached NOTICE OF REFERENCES CITED, PTO-892.
10. ☐ Note the attached INFORMATION DISCLOSURE CITATION, PTO-1449.

PART II.

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" indicated on this form. Failure to timely comply will result in the ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

1. ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
2. ☐ APPLICANT MUST MAKE THE DRAWING CHANGES INDICATED BELOW IN THE MANNER SET FORTH ON THE REVERSE SIDE OF THIS PAPER.
 - a. ☐ Drawing informalities are indicated on the NOTICE RE PATENT DRAWINGS, PTO-948, attached hereto or to Paper No. _____. CORRECTION IS REQUIRED.
 - b. ☐ The proposed drawing correction filed on _____ has been approved by the examiner. CORRECTION IS REQUIRED.
 - c. ☐ Approved drawing corrections are described by the examiner in the attached EXAMINER'S AMENDMENT. CORRECTION IS REQUIRED.
 - d. ☐ Formal drawings are now REQUIRED.

Any response to this letter should include in the upper right hand corner, the following information from the NOTICE OF ALLOWANCE AND ISSUE FEE DUE: ISSUE BATCH NUMBER, DATE OF THE NOTICE OF ALLOWANCE, AND SERIAL NUMBER.

Attachments:

- | | |
|---|--|
| <input type="checkbox"/> Examiner's Amendment | <input type="checkbox"/> Notice of Informal Application, PTO-152 |
| <input type="checkbox"/> Examiner Interview Summary Record, PTOL-413 | <input type="checkbox"/> Notice re Patent Drawings, PTO-948 |
| <input checked="" type="checkbox"/> Reasons for Allowance | <input type="checkbox"/> Listing of Bonded Draftsmen |
| <input checked="" type="checkbox"/> Notice of References Cited, PTO-892 | <input type="checkbox"/> Other |
| <input type="checkbox"/> Information Disclosure Citation, PTO-1449 | |

258

The terminal disclaimer filed on June 19, 1992 could not be accepted because it had an improper serial number, and therefore, it references the wrong application. The serial number on the head of the document should have been the same as the present application 07/657,296 and not the parent application 07/253,115 as stated by the applicant. Nonetheless, a terminal disclaimer was found to not be required in the present application because the applicant's arguments as to the patentability of the present claims convinced the examiner that the present claims are allowable over both the claims (double patenting) and disclosure (Section 103) of Palmaz ('417).

The following is an Examiner's Statement of Reasons for Allowance:

Upon further review of the present claims in view of Palmaz ('417), the examiner noted that the connectors of Palmaz ('417) are not substantially parallel to the longitudinal axis in the context of the present disclosure. Specifically, present claims 1 and 4 both require that the slots and the connectors be substantially parallel to the longitudinal axis of the tubular members. This is now being interpreted to mean that the slots and the connectors run in the same direction and are substantially aligned with one another. In the Palmaz ('417) disclosure, however, the connectors run almost perpendicular to the slots and to the longitudinal axis of the tubular members.


An additional reason that the examiner decided to withdraw the outstanding rejections is due to the limitation concerning "only one" connector; see line 11 of both claims 1 and 4. Palmaz ('417) has connectors around the entire circumference of the tubular members. The "only one" connector feature of the present device results in greater flexibility between the grafts so that one can be twisted to be non-

Art Unit 3308

aligned with another if desired. This greater flexibility is considered unobvious in view of the claims and disclosure of Palmaz ('417). It is noted that in claims 3 and 6, which depend from claims 1 and 4 respectively, the connector members can be "angularly offset from one another and with respect to the longitudinal axes of the tubular members they interconnect.". However, it is noted that the connector member must still be substantially parallel to the longitudinal axis of the tubular members they interconnect.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

An inquiry concerning this communication should be directed to Paul Prebilit at telephone number (703) 308-2905.


PAUL PREBILIC
PATENT EXAMINER
ART UNIT 338

260



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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NOTICE OF ALLOWANCE
AND ISSUE FEE DUE

30

- ☐ Note attached communication from the Examiner
☐ This notice is issued in view of applicant's communication filed _____

SERIES CODE/SERIAL NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
07/657,296	02/19/91	006	PREBILIC, P	3308 08/24/92
First Named Applicant	SCHATZ, RICHARD A.			

TITLE OF INVENTION EXPANDABLE INTRALUMINAL GRAFT

	ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
3	1207.0008	606-195.000	F60	UTILITY	NO	\$1130.00	11/24/92

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY Status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the Status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
B. If the Status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B of this notice should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by a charge to deposit account, Part B should be completed and returned. If you are charging the ISSUE FEE to your deposit account, Part C of this notice should also be completed and returned.

III. All communications regarding this application must give series code (or filing date), serial number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees.

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241